IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21335 of 2004

Between:

E. Sulochanamma, W/o E. Venkateswarlu,
K. Venkatapuram Village, Devanakonda Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Devanakonda Mandal, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to t issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in issuing the proceedings in Rc.M.930/2004 dt. 6-11-2004 as illegal, arbitrary, and violative of principles of natural justice and also against the provisions of Control order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent

Counsel for the Petitioner:MR.K.V.CHALAPATHI RAO

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.21335 OF 2004

ORDER:

The petitioner challenges the proceedings dated 6-11-2004 issued by the 2nd respondent, suspending her authorization. The petitioner was appointed as a fair price shop dealer in the year 1996 for K.Venkatapuram Village, Devanakonda Mandal, Kurnool District. The authorization is renewed till 31-3-2006. The Mandal Revenue Officer, the 3rd respondent submitted a report to the 2nd respondent, stating that the petitioner had committed irregularities in the distribution of essential commodities. Based on the same, the 2nd respondent suspended the authorization through the impugned order.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Several contentions are urged by the learned counsel for the petitioner, touching on the merits of the matter. However, this Court does not find it necessary to go into the merits of the matter. Admittedly, the petitioner had availed the remedy of appeal under Clause 20 of the A.P. State Public Distribution System Control Order, 2001, together with an application for grant of stay. Though no order, passed by the 1st respondent, is placed before this Court, it is urged that he had rejected the application for grant of stay.

Clause 20 of the Control Order empowers the appellate authority to grant interim orders, to protect the interest of the parties. In matters of this nature, if no interim orders are granted, the very purpose may be defeated. If the 1st respondent is of the view that the petitioner is not entitled for any interim orders, specific orders need be

passed, furnishing the reasons in support of the conclusion.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing that the impugned order shall stand stayed till the 1st respondent disposes of the appeal. The appellate authority shall dispose of the appeal as early as possible, and not later than four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.22-11-2004

KO

To

1. The Joint Collector, Kurnool, Kurnool District.

2. The Revenue Divisional Officer, Adoni, Kurnool District.

3. The Mandal Revenue Officer, Devanakonda Mandal, Kurnool District.

4. Two C.Cs to G.P. for Civil Supplies, High Court Buildings, High Court of A.P. Hyderabad (OUT).

5. Two C.D. copies.